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June 19, 2019

By Electronic and First Class Mail

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FitzGerald Morris Baker Firth, P.C.
16 Pearl Street
Glens Falls, NY 12801

Re: *Cinthia Thevenin, et al. v. The City of Troy, et al.*
Docket No: 16-CV-01115 (DJS)

Dear Mr. Aspland:

As you know, the firm of Harfenist Kraut and Perlstein, LLP along with Hach & Rose, LLP, represents the Plaintiff in this matter.

It has just come to our attention, that the Troy Police Department maintains an internal affairs file and that Captain Joseph Centenni has prepared an internal affairs report, which is greater than 25 pages long, related to the shooting which forms the basis of this lawsuit. The internal affairs file was the subject of numerous demands served by the Plaintiff, including: Demands #3 & 6 of Plaintiff's February 10, 2017 First Demand for Production of Documents and Demand #60 of Plaintiff's September 18, 2017 Fourth Demand for Production of Documents.

I have reviewed the formal responses and the documents produced by the Defendants and they do not contain any internal affairs report, nor is there any objection lodged as to the production of the internal affairs file or report. Defendants' July 2017 Response to Demand #6 of the First Demand for Production of Documents refers back to response #1 which indicates that Exhibit "A" contained "documents that the Troy Police Department had as of May 6, 2016, the day after the Police Departments stayed its internal investigations" but does not contain any report. Defendants' Response to Demand #60 of the Fourth Demand for Production of Documents specifically refers back to the exhibits to the Response to the First Demand for Production of Documents and does not indicate that Defendants were in possession of any further materials constituting an internal affairs investigation or file.

As you are no doubt aware, the Demands for Production were continuing in nature and require production of any responsive documents obtained or generated by the Defendants subsequent to the date of the formal responses. While I am certain that your office would have produced these materials had they been provided to you, I am requesting that you verify with your clients and produce any internal affairs materials (including any internal affairs reports)

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which were not produced as part of the July 2016 Response to Plaintiff's First Demand for Production of Documents.

Lastly, since the oral argument on Defendants' Motion for Summary Judgment is scheduled for July 26, 2019, the issue surrounding the existence of any such internal affairs report, and any documents related to it, which have been gathered after May 6, 2016 must be immediately resolved.

Thank you for your attention to this matter. If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,
HARFENIST KRAUT & PERLSTEIN, LLP

By: Steven J. Harfenist
Steven J. Harfenist

SJH/nt